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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,801	04/27/2001	Laurent Baretzki	206483US2X	2836
22850	7590	04/24/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2442	
			NOTIFICATION DATE	DELIVERY MODE
			04/24/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,801	BARETZKI, LAURENT	
	<b>Examiner</b>	<b>Art Unit</b>	
	DOUGLAS B. BLAIR	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 January 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17-20,22-26,28-37,39,40 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-20,22-26,28-37,39,40 and 42-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 1/12/2009, with respect to the rejection(s) of all of the pending claims under all of the previous grounds of rejection have been fully considered and are persuasive. Therefore, these rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent Number 6,658,595 to Thamattoor in view of U.S. Patent Number 6,359,858 to Smith et al.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20, 22-26, 28-37, 39, 40, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,658,595 to Thamattoor in view of U.S. Patent Number 6,359,858 to Smith et al.

As to claim 17, Thamattoor teaches a redundant routing system including a processor, the system comprising: a first routing unit configured to manage input and output data (Figure 1, element A); a second routing unit configured to manage input and output data (Figure 1, element B); a network interface configured to connect said first and second routing units (Figure 1, reference 20); and a standby bus interface configured to connect said first and second routing units to each other , wherein, when said first routing unit is managing said input and output data,

said second routing unit is configured to detect a failure of said first routing unit by monitoring both said network and standby bus interfaces using messages sent over both the network and the standby bus interfaces, when said second routing unit detects a failure of said first routing unit, said second routing unit is configured to deactivate said first routing unit so that said first routing unit no longer manages said input and output data and said second routing unit is further configured to start managing said input and output data, sets of parameters for interpreting the messages, including configuration parameters of an application configured to run on at least one of the first and second routing units, are configured to be stored in at least one configuration file included in both said first and second routing units (col. 4, lines 14-52); however Thamattoor does not explicitly teach a first routing unit detecting a failure in itself that deactivates itself to cease managing input and output data and to allow a second routing unit to start managing input and output of data.

Smith teaches a first routing unit detecting a failure in itself that deactivates itself to cease managing input and output data and to allow a second routing unit to start managing input and output of data (col. 5, line 48-col. 6, line 8).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Thamattoor regarding redundant routers with the teachings of Smith regarding self diagnosis for a router in a redundant system because self diagnosis can address data errors and not just failures as indicated by no response to heartbeat messages as taught in Thamattoor.

The mapping of the limitations of the dependent claims should be apparent from the cited embodiments of Thamattoor and Smith. As both references teach the claimed architecture and

the specific features of the dependent claims which are inherent to the architecture claimed in the independent claims.

As to claims 39 it is rejected for the same reasoning as claim 17.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication Number 2003/0237016 to Johnson et al. teaches a router that provides self-diagnosis and failover capabilities (paragraphs 90, 134, and 141) however the provisional application that Johnson relies on for priority does not provide support for paragraphs 90, 134, and 141. This subject matter does not qualify as prior art against the applicant's foreign priority data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/  
Primary Examiner, Art Unit 2442